

COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹

Docket No. 08-679

Appellant(s): Karen Simao,	vz Appellee(s):	City/Town of Danvers
Esq. McDermott, Quilty, & Miller LLP		Richard P. Maloney
Rep. for Metro PCS MA LLC		

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant her a variance from 780 CMR 503 for 135 Maple Street, Danvers, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on December 23, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant was represented by her associate Peter Morin Esq., McDermott, Quilty, & Miller LLP. Others were present as well as shown on the sign-in sheet on file at the Department of Public Safety.

Discussion

A motion was made to grant the Appellant's request for a variance from 780 CMR 503, after hearing testimony regarding the need to raise the height of an existing former fire hose tower with a cupola to accommodate a new cell antennae at the property. The motion was based on the fact that the building official has no objection to the granting of the variance. There was a second on the motion and a Board vote was taken, which was unanimous.

Conclusion

The Appellant's request for a variance from 780 CMR 503, is hereby granted as described in the discussion above and so ordered² on this date: December 23, 2008.

Douglas Semple
Douglas Semple

Brian Gale
Brian Gale

William Middlemiss
William Middlemiss

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

² In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.